

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.	: 10/537,827	Confirmation No.	: 8645
First Named Inventor	: Martin, Francois		
Filed	: January 6, 2006		
TC/A.U.	: 1794		
Examiner	: Savage, Jason L.		
Docket No.	: 104011.B130125		
Customer No.	: 23911		
Title	: Composite Material Composed of a Metal Matrix and of Talc		

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In complete response to the Office Action dated April 6, 2009, Applicants submit the following response. Applicants respectfully traverse the restriction requirement set forth in the Office Action.

In the Office Action, the Examiner sets forth a restriction requirement between two groups of claims as follows:

- Group I: Claims 1-7, drawn to an article; and
- Group II: Claims 8-14, drawn to a method.

Applicants respectfully assert that the inventions of Groups I and II can be examined together. Applicants respectfully submit that the inventions of Groups I and II are related and Applicants respectfully submit that a proper search of the claims of one Group can include a proper search of the claims of the other Group. Thus, Applicants submit that all of the claims can be searched simultaneously.

Applicants submit that any nominal burden placed upon the Examiner to search accordingly to determine the art relevant to Applicants' overall invention is significantly outweighed by the public's interest in not having to obtain and study separate patents in order to have available all of the issued patent claims covering Applicants' invention. The alternative is to proceed with the filing of multiple applications, each consisting of generally the same disclosure, and each being subjected to essentially the same search, perhaps by

different Examiners on different occasions. This process would place an unnecessary burden on both the Patent and Trademark Office and on the Applicants.

Regardless of whether the inventions are independent or distinct, Applicants respectfully assert that the Examiner need not have restricted the application. MPEP § 803 requires that “[i]f the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.” Therefore, it is not mandatory to make a restriction requirement in all situations where it would be deemed proper.

In the interest of economy, for the Office, for the public-at-large, and for Applicants, reconsideration and withdrawal of the restriction requirement are requested.

Nevertheless, in order to comply with the requirements of 37 C.F.R. § 1.143, Applicant elect, with traverse, to prosecute the invention of Group I, drawn to an article, namely claims 1-7, for prosecution in the above-identified application.

Applicants have no intention of abandoning any non-elected subject matter, and should it be necessary, Applicants expressly reserve the right to file one or more continuation and/or divisional applications directed to non-elected subject matter.

Applicants earnestly solicit favorable consideration of the above response and early passage to issue the present application. The Examiner is invited to contact the undersigned at the below-listed telephone number, if it is believed that prosecution of this application may be assisted thereby.

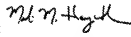
If there are any questions regarding this response or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket # 104011.B130125).

Respectfully submitted,

May 6, 2009

By:



Melissa M. Hayworth
Registration No. 45,774

CROWELL & MORING LLP
Intellectual Property Group
P.O. Box 14300
Washington, DC 20044-4300
Telephone No.: (202) 624-2500
Facsimile No.: (202) 628-8844